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January 20, 2004

M. Ash-Sharief Al'Askari
5737 N. 12th Street
Philadelphia, PA 19141


RE: Al'Askari v. Hawkes, et al.
M.D. Pa. Civil No. 1:CV-00-1449; USDC

Dear Mr. Al'Askari:

Please be advised that I have requested the Court to schedule an evidentiary hearing to resolve the factual dispute concerning the exhaustion of your administrative remedies with respect to the access to the courts claim. Enclosed is a copy of the motion and brief filed today. Under the Local Rules of the District Court, I am required to seek your concurrence in the filing of the motion. In light of your apparent objections to receiving phone calls from this Office, I have elected to do so in writing, thus, the purpose of my letter to you. It would be appreciated if, at your earliest convenience, you could inform me and the Court of your concurrence on nonconcurrence in the filing of our motion.

Sincerely,

THOMAS A. MARINO
United States Attorney


D. BRIAN SIMPSON
Assistant U.S. Attorney

TAM:DBS:mel
Enclosure